IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND SEVEN

PRESENT
THE HON'BLE SRI JUSTICE BILAL NAZKI
and
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.19172 of 2007

Between:

M/s.Lakshmi General Trading Company,
Guntur District.

..... PETITIONER

and

1.The Joint Commissioner of Commercial Taxes,
Hyderabad and 3 others.

.....RESPONDENTS

The Hon'ble Sri Justice Bilal Nazki
and
The Hon'ble Sri Justice Ramesh Ranganathan

Writ Petition No.19172 of 2007

Order: *(per the Hon'ble Sri Justice Bilal Nazki)*

Appeal filed by the petitioner against an order of assessment dated 16-04-2003 is pending before the Sales Tax Appellate Tribunal. Pending appeal, an application for stay has been filed by the petitioner before the first respondent, who has heard it on 14-08-2007, but has not passed any orders. Meanwhile, the impugned notice of

attachment dated 21-08-2007 has been issued. Aggrieved thereby, the petitioner has filed the present Writ Petition.

After hearing the learned Counsel for the parties, we feel that the interest of justice would have been met if stay was granted pending appeal, subject to deposit of 50% of the disputed tax within a period of four weeks from today. Therefore, we direct that 50% of the disputed tax shall be paid by the petitioner within a period of four weeks from today. For four weeks, there shall be an unconditional stay. The stay shall continue till disposal of the appeal and the impugned notice of attachment dated 21-08-2007 shall not be given effect to, provided the amount is deposited within four weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal.

The Writ Petition is disposed of, accordingly, at the stage of admission. No costs.

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(Bilal Nazki, J)

10th September, 2007

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(Ramesh Ranganathan, J)

Note:
Wire at
party's costs
B/o
lur